

POLAND (Tier 1)

Poland is a source, transit, and destination country for men and women subjected to forced labor and for women and children subjected to sex trafficking. Men and women from Poland are subjected to conditions of forced labor in Belgium, Czech Republic, Italy, the Netherlands, the Scandinavian countries, and the United Kingdom (UK). Women and children from Poland are subjected to conditions of sex trafficking within their country and also in Austria, Germany, Italy, Japan, the Netherlands, Sweden, and the UK. Women and children from Belarus, Bulgaria, Romania, and Ukraine are subjected to sex trafficking in Poland. A smaller number of women from Africa, including Cameroon, the Democratic Republic of the Congo, Djibouti, and Uganda are subjected to forced prostitution in Poland. Men from Romania, Ukraine, and Vietnam are brought to Poland for forced labor. Roma persons are recruited from Romania for forced begging in Poland.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. In 2012, authorities increased the number of trafficking investigations, prosecutions, and convictions, although half of all convicted offenders continued to receive suspended sentences. The government sustained its funding of victim protection mechanisms in all areas of the country and it provided services to more victims compared to the previous year, though it continued to face challenges in identifying victims of labor trafficking and referring child victims of sex trafficking for specialized care. The government continued to sponsor an array of awareness campaigns that targeted populations at risk for trafficking.

Recommendations for Poland: Continue to vigorously investigate and prosecute trafficking offenses and take steps to ensure that a majority of trafficking offenders serve time in prison; improve victim identification procedures and training to better identify victims of labor trafficking; ensure child victims of sex trafficking are referred to specialized care; increase training for prosecutors and judges on labor trafficking cases; continue to increase the shelter system's capacity to assist victims, including men and children; take systemic efforts to prevent sex trafficking of children; provide border guards with a clear mandate to investigate potential trafficking cases; incorporate the victim compensation process into criminal proceedings; amend the criminal code to ensure that identified victims of trafficking are not penalized for acts committed as a direct result of being trafficked; ensure all victims are given access to and encouraged to use the reflection period; create a centralized database to consolidate statistics on trafficking victims and related law enforcement actions; and conduct additional awareness campaigns to reduce the demand for commercial sex acts.

Prosecution

The Government of Poland improved its anti-trafficking law enforcement efforts in 2012. Poland defines and prohibits all forms of trafficking in persons through several articles of its criminal code, including Articles 115.22, 115.23, 189a, 203, and 204.3. Prescribed punishments under these statutes range from one to 15 years' imprisonment; these sentences are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2012, Polish police investigated 60 new cases of human trafficking, an increase from 37 in 2011. The border guard began four additional investigations. The government initiated prosecutions of 24 suspected trafficking offenders and convicted 39 in 2012, an increase from 17 prosecutions and 28 convictions in 2011. In collecting data, the government only considered sentences issued after appeals to be final. In 2011, the most recent year for which post-appeal sentences were available, 63 traffickers were sentenced, compared to 60 in 2010; these sentences ranged

from one to eight years' imprisonment. Similar to the previous two years, approximately half of the convicted offenders received suspended sentences. The government did not report the investigation or prosecution of any public officials for alleged complicity in human trafficking-related offenses. Nevertheless, Polish consular staff in Ukraine who had issued visas to women who may have later become victims of sex trafficking in Germany and Spain were dismissed by the Ministry of Foreign Affairs. Polish authorities collaborated on human trafficking investigations with counterparts in several European countries. During the year, the government provided anti-trafficking investigative and prosecutorial training to judges, prosecutors, labor inspectors, border guards, and police; there were reports that prosecutors and judges often lacked expertise in labor trafficking cases. Border guards lacked the mandate to investigate potential trafficking cases that did not involve another border-related offense, such as immigration violations or possession of false documents, and lacked adequate expertise in identifying labor trafficking victims.

Protection

The Government of Poland increased its anti-trafficking victim protection efforts in 2012, providing assistance to more victims, although the majority of child victims of sex trafficking did not receive specialized care. Most child trafficking offenses were prosecuted under Article 204.3 of the criminal code, which applies to child prostitution. Victims of child prostitution frequently received assistance from NGOs and social services, but authorities did not automatically refer these children to specialized care for trafficking victims. The police and border guard identified 282 victims of trafficking through investigations in 2012, compared to 315 victims identified in 2011. The vast majority of these victims were child victims of sex trafficking. Government agencies reportedly lacked adequate tools and expertise to identify and assist potential victims of labor trafficking. In 2012, the government sustained previous funding for victim assistance, allocating the equivalent of approximately \$250,000. The government continued to fund the NGO-run National Intervention-Consultation Center for Victims of Trafficking (KCIK) to provide assistance to foreign and Polish victims of trafficking, which provided assistance to 198 victims in 2012, up from 133 in 2011. Of the 198 victims, 145 were females and 53 were males. Slightly more than half of these victims were foreign nationals and 16 of those assisted were child victims or the children of trafficked adults. Government-funded NGOs arranged shelter for 111 victims in 2012 and also offered medical and psychological care, legal assistance, food, clothing, and employment-related training for all victims. Adult victims of trafficking were allowed to leave the shelters unchaperoned and at will. Local governments funded and operated 185 crisis intervention centers around the country, 19 of which were specifically for trafficking victims and had a capacity of 123 persons. There were no trafficking shelters designated specifically for male trafficking victims, although NGO representatives reported placing male victims in crisis centers, hostels, and hotels. KCIK placed child victims in orphanages and with foster families. The government did not systematically refer child victims of sex trafficking to KCIK, and most do not receive specialized care. KCIK also operated an anti-trafficking hotline. The victim assistance program is highly centralized, and some academic experts believed it would be more effective if local NGOs were more directly involved in working with local authorities in the victim referral process and providing assistance.

The government's witness protection program provided for a temporary residence permit, medical and psychological care, safe transportation, food, clothing, and shelter or lodging support for victims who cooperated with law enforcement. The government enrolled 56 victims into this program in 2012. The Law on Aliens offered foreign victims a three-month reflection period during which foreign victims can stay legally in Poland to deliberate whether to cooperate with the criminal process. However, no victims utilized the reflection period in 2012, reportedly because

victims from EU countries did not need it and other victims preferred the residence permit that allowed them to gain employment. The Ministry of Interior and IOM continued to work together to safely repatriate foreign victims of trafficking, and in 2012 they repatriated eight victims to Bulgaria and Romania. Victims may file civil suits against traffickers. However, the UN Special Rapporteur expressed concern that prosecutors do not adequately incorporate compensation or restitution options into criminal proceedings. There were no reports of trafficking victims punished for crimes committed as a direct result of being trafficked, although Polish law did not exonerate trafficking victims from such punishment.

Prevention

The government sustained its strong anti-trafficking prevention efforts during the reporting period. The government sponsored a number of creative information campaigns, including a festival featuring films that highlight human trafficking. The Ministry of Interior worked with NGOs on a number of campaigns targeting child sex trafficking, including workshops for 435 teachers. Authorities continued to produce and distribute information to Polish citizens seeking work abroad, and the Ministry of Labor operated a website in which Polish citizens could chat with experts about finding legitimate jobs abroad. During 2012, the Interior Ministry and National Labor Inspectorate collaborated with IOM to distribute labor rights information to foreign workers in Poland. The government also sponsored three training sessions on human trafficking for labor inspectors. In 2012, the Ministry of Labor and Social Policy organized and funded four training sessions for a total of 102 persons.

A national action plan for 2013-2015 was undergoing inter-ministerial consultations at the close of the reporting period. While the government did not have an independent national rapporteur on trafficking, the Ministry of Interior continued to systematically collect information on trafficking and in December 2012, it published its third comprehensive report on human trafficking which covered the years 2009-2011. Additionally, in February 2013, the inter-ministerial team's working group approved a report that assessed the progress made on the action plan for 2011-2012. Although multiple government agencies and NGOs collected data on trafficking victims and related law enforcement actions, no central mechanism existed to consolidate these statistics, leading to difficulty in assessing the scope of trafficking in Poland and the efficacy of law enforcement efforts. The government did not organize any programs to reduce the participation of Polish citizens in child sex tourism. The government did not run any programs specifically designed to reduce the demand for commercial sex acts, although several of its awareness campaigns discussed the potential exploitation of women in prostitution, as well as punishments for the sexual exploitation of children.